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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92044531
Party	Plaintiff THE FRESH MARKET, INC. THE FRESH MARKET, INC.
Correspondence Address	STACEY H. KING FINNEGAN, HENDERSON, FARABOW, GARRETT, et al 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001 UNITED STATES
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Timothy A. Lemper
Filer's e-mail	Doug.Rettew@Finnegan.com, Timothy.Lemper@Finnegan.com
Signature	/Timothy A. Lemper/
Date	11/28/2006
Attachments	Stipulation to Extend Petitioner's Time to Oppose Registrant's Motion to Amend Answer 11-28-2006.pdf (2 pages)(7110 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE FRESH MARKET, INC,

Cancellation No. 92044531

Petitioner.

v.

FOOD CIRCUS SUPER MARKET, INC.,

Registrant.

STIPULATION TO EXTEND TIME FOR PETITIONER TO FILE OPPOSITION TO REGISTRANT'S MOTION TO AMEND ANSWER TO ADD COUNTERCLAIM

Subject to the approval of the Board, the parties stipulate and request that the Board extend the time for Petitioner to oppose Registrant's motion to amend its answer to add a counterclaim until and including February 1, 2007. The parties previously filed a stipulation on November 16, 2006 to extend that deadline until December 1, 2006.

This request is not filed for purposes of delay. Rather, the parties need the additional time to continue to discuss settlement.

Registrant's counsel, Max Voltchenko, stipulated to the extension on November 28, 2006.

Respectfully submitted,

Date: November 28, 2006 /s/ Timothy A. Lemper

Douglas A. Rettew Linda K. McLeod Timothy A. Lemper FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001

Counsel for Petitioner The Fresh Market, Inc.

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing STIPULATION TO EXTEND TIME FOR PETITIONER TO FILE OPPOSITION TO REGISTRANT'S MOTION TO AMEND ANSWER TO ADD COUNTERCLAIM was served by e-mail and first-class mail, postage prepaid on November 28, 2006, upon counsel for Registrant as follows:

Lewis F. Gould, Jr. Max Voltchenko DUANE MORRIS LLP One Liberty Place Philadelphia, PA 19103-7398

/s/ Timothy A. Lemper